

1 Mark R. Vermeulen [CSBN 115381]  
2 Law Office of Mark R. Vermeulen  
3 755 Florida Street #4  
4 San Francisco, CA 94110.2044  
5 Phone: 415.824.7533  
6 Fax: 415.824.4833  
7 [vermeulen@mindspring.com](mailto:vermeulen@mindspring.com)

8 Attorney for Defendant  
9 WEN BING LEI

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,  
14 Plaintiff,  
15 v.  
16 WEN BING LEI,  
17 Defendant.

No. 15-cr-71548-SK

**STIPULATION AND ~~Proposed~~ ORDER TO  
CONTINUE HEARING AND TO EXCLUDE  
TIME**

Date: December 8, 2016  
Time: 9:30 a.m.

18 This matter is set for a preliminary hearing or return of an indictment before this Court on  
19 December 8, 2016. The parties request that this matter be continued to December 14, 2016 at 9:30 a.m.  
20 for further setting, as defense counsel has a scheduling conflict on December 8. Pursuant to Fed. R.  
21 Crim. P. 5.1(d), the defendant consents to extending the time limits set forth in Fed. R. Crim. P. 5.1(c) to  
22 exclude from the 14-day limit the time from December 8, 2016 to the newly proposed hearing date to  
23 accommodate this request, and defense counsel is continuing to review voluminous discovery, to  
24 conduct investigation, and to otherwise prepare the defense. As a result, the parties request that the  
25 Court exclude time between December 8, 2016 and December 14, 2016 for effective preparation of  
26 defense counsel, taking into account the exercise of due diligence, and pursuant to 18 U.S.C. §§  
27 3161(h)(7)(A) and (B)(iv). The extension is not sought for delay, and the parties agree that the ends of  
28 justice served by granting the continuance outweigh the best interests of the public and the defendant in  
///

1 a speedy trial.

2 Dated: November 15, 2016

Brian J. Stretch  
United States Attorney

3  
4 /S/  
William Frentzen  
Assistant United States Attorney

5  
6 Dated: November 15, 2016

7 /S/  
Mark R. Vermeulen  
Attorney for Defendant  
WEN BING LEI

8  
9 ORDER

10 IT IS HEREBY ORDERED that this matter is continued to December 14, 2016 at 9:30 a.m. for  
11 further setting.

12 IT IS FURTHER ORDERED that pursuant to Fed. R. Crim. P. 5.1(d), the 14-day limit set forth  
13 in Fed. R. Crim. P. 5.1(c) shall be extended, such that the 14-day limit shall run from December 14,  
14 2016.

15 IT IS FURTHER ORDERED that time between December 8, 2016 and December 14, 2016 is  
16 excluded pursuant to the Speedy Trial Act for effective preparation of defense counsel, taking into  
17 account the exercise of due diligence, and pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv). Based  
18 upon the parties' stipulation, the Court finds that the extension is not sought for delay, and the ends of  
19 justice served by granting the continuance outweigh the best interests of the public and the defendant in  
20 a speedy trial.

21 IT IS SO ORDERED.

22 Dated: November <sup>16</sup>, 2016

